

ARTICLE III. PAWN BROKERS AND DEALERS IN PRECIOUS METALS AND GEMS*

***State law references:** Effect of local laws, O.C.G.A. § 44-12-135; municipal supervision of pawnbrokers, O.C.G.A. § 44-12-136; pawnbrokers generally, O.C.G.A. § 44-12-130 et seq.▲

Sec. 22-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Dealer" means:

(A) Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems; or

(B) A person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems.

(2) "Gems" means any precious or semiprecious stone which is cut and polished.

(3) "Numismatic coins" means coins whose value as collectors' items exceeds the value of the content of the precious metals in the coins.

(4) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

(5) "Precious metals" means gold, silver, or platinum or any alloy containing gold, silver, or platinum.

(6) “*Pawnbroker*” means any person engaged, in whole or in part, in the business of lending money on the security of pledged goods, or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

(7) “*Pledged goods*” means tangible, personal property other than choses in action, securities or printed evidences of indebtedness, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in the course of his business.

(Code 1989, § 9-4-1)

Cross references: Definitions generally, § 1-2.

Sec. 22-102. License required.

Each Pawnbroker or Dealer doing business within the city shall be required to obtain an occupational tax license and a regulatory license from the city clerk in the manner specified in section 86-72; except that such regulatory licenses shall be issued only upon approval by the city council.

(Code 1989, § 9-4-2)

Charter references: Specific power to regulate pawnshops, § 1.13 (16).

State law references: Supervision of Pawnbrokers, O.C.G.A. § 44-12-136.

Sec. 22-103. Issuance of license.

(a) No action on any application for a Pawnbroker's license or Dealer's license shall be taken by the city council until the chief of police has reviewed such application and forwarded his recommendation thereon to the city clerk in the manner specified in this article.

(b) No Pawnbroker's license or Dealer shall be issued to any person who has been convicted of the offense of receiving stolen goods or of burglary or robbery.

(Code 1989, § 9-4-3)

Sec. 22-104. Records to be kept; information to be shown; inspection authorized.

(a) All Pawnbrokers and Dealers shall keep books wherein shall be entered an accurate description of all property pledged or sold to them. Such description shall include:

(1) A clear and accurate photograph, identification and description of the purchased goods or precious metals or gems, including the name of the manufacturer of the article, if available;

(2) Any identifying marks or numbers; and

(3) The weight, quantity or volume and statement of the kind of material of which it is made.

(b) In such books there shall be entered also:

(1) The name of the person making the purchase from the seller;

(2) The date and time when the transaction was accomplished;

(3) A legible thumbprint of the depositor;

(4) A legible photocopy or scan of a valid government-issued personal identification card of the seller of the goods or precious metals or gems, which contains the seller's name, address and photograph;

(5) The price paid for the goods purchased;

(6) The number of the check issued for the purchase price, if payment is made by check; and

(7) A sworn affidavit signed by the seller stating that the person signing is the rightful owner of the goods or precious metals or gems or has been given the legal authority by the rightful owner to sell the goods or precious metals or gems.

(c) These entries shall be made at the time the transaction is finalized.

(d) The permanent record book required by this Code section shall be in legible English. Entries shall appear in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be maintained for each purchase of goods, precious metals or gems or goods made from precious metals or gems for at least two years. The book and purchased goods, precious metals or gems shall be open to

the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.

(e) Dealers exclusively engaged in buying or exchanging for merchandise scrap dental gold and silver from licensed dentists by registered or certified mail or statutory overnight delivery may record the post office record of the mailed parcel in lieu of the seller's age and driver's license number as required in paragraph (4) of subsection (b) of this Code section and in lieu of the seller's signature as required in paragraph (7) of subsection (b) of this Code section.

(f) Any person engaged in the business of a Pawnbroker or Dealer, who shall fail or refuse to keep books as provided in this section, or who shall make false entries concerning the transaction named, or who shall fail or refuse to permit an inspection and examination by any duly authorized law enforcement officer of the books and of the property pledged with or sold to them shall be in violation of this article and shall be punished as provided by the general penalty in section 1-7.

(Code 1989, § 9-4-4)

State law references: Additional requirements for records are found in O.C.G.A. § 44-12-132 et seq.

Sec. 22-105. Daily report to police.

(a) Every Pawnbroker and Dealer shall make a daily report in writing to the chief of police, in such form as may be prescribed by the chief, of all property pledged to or bought by him during the 24 hours ending at 8:00 p.m. on the date preceding the day of the report. Such report shall be typewritten. In addition to any other information required by the chief of police, it shall show:

(1) The name and address of the Pawnbroker or Dealer.

(2) The time of the transaction.

(3) Serial numbers of pawn tickets.

(4) Amount paid or advanced.

(5) Full description of articles, including kind, style, material, color, design, kind and number of stones in jewelry, together with all identifying names, marks and numbers thereon.

(6) Description of persons selling or pawning, including name, address, race, weight, height and thumbprint.

(b) Insufficient reports shall be rejected and any Pawnbroker or Dealer making such shall be deemed guilty of a violation of this article. In addition, Pawnbrokers or Dealers shall make daily reports of all typewriters, adding machines and radios coming into and going out of their place of business during the 24 hours ending at 8:00 PM on the date preceding day of the report. The daily report shall be in such form and shall contain sufficient information to identify each such article, the "Effective Date".

(c) Each such report shall be scanned and sent to the Chief of police on or before 5:00 PM the day following the Effective Date.

(Code 1989, § 9-4-5)

Sec. 22-106. Minors.

No Pawnbroker or Dealer shall have any business dealings as a Pawnbroker or Dealer with a minor, nor shall a Pawnbroker's license or Dealer's license be issued to a minor, nor shall a Pawnbroker or Dealer employ a minor to assist him in his business.

(Code 1989, § 9-4-6)

Sec. 22-107. Stolen goods.

Every pawnbroker or dealer in precious metals or gems shall report to the police every article pledged with him, or which is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.

(Code 1989, § 9-4-7)

Sec. 22-108. Holding Period.

Any goods or gems or precious metals purchased by a Pawnbroker or Dealer shall not be sold, exchanged, removed from the business location or otherwise altered from its original form until at least thirty (30) calendar days have elapsed from the time of purchase or acquisition.

Sec. 22-109. Location.

(a) No business location of a Pawnbroker or Dealer establishment shall be located:

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| (1) Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located.

| (2) Within 1,000 feet of any parcel of land upon which another Pawnbroker or Dealer regulated or defined under this article is located.

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(b) For the purposes of this section, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved. The term 'parcel of land' means any plot, lot or acreage shown as a unit on the latest City tax assessment records.

| Secs. 22-110--22-140. Reserved.